



### **1. Submission of Interim Vouchers**

Counsel shall submit to the Clerk of Court interim vouchers (CJA Form 30), "Death Penalty Proceedings: Appointment of and Authority to Pay Court Appointed Counsel" ("Interim Vouchers"). Within 30 days of the date of this Order and Memorandum, counsel shall submit Interim Vouchers for compensation earned and reimbursable expenses incurred from the date of their prior vouchers, if any, through September 1, 2005.<sup>2</sup> Counsel shall submit an Interim Voucher for compensation earned and reimbursable expenses incurred for each three month period thereafter (the "Interim Period"). Interim Vouchers shall be submitted no later than 14 days from the end of each Interim Period. The Court will endeavor to review the Interim Vouchers promptly.

### **2. Hourly Rates**

Compensation for Kent E. Gipson and Gino Battisti shall be claimed at the rate of \$160,000 per hour for both in court and out of court time. Paralegals and interns are considered "services other than counsel" and shall be handled in accordance with 18 U.S.C. § 3006(A)(e).<sup>3</sup>

### **3. Final Voucher**

Within 45 days from the conclusion of the proceedings before the District Court, counsel shall submit a Final Voucher seeking payment for compensation earned and reimbursable expenses incurred

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<sup>2</sup>Because a separate CJA Form 30 must be submitted for each stage of the proceedings habeas petition, evidentiary hearing, etc.), counsel may be required to submit more than one CJA Form at the end of an Interim Period.

<sup>3</sup>To be reimbursed for these expenses, counsel must indicate how much is actually paid to a particular paralegal or intern (calculated as an hourly rate). Compensation for paralegals and interns shall be requested on CJA Form 31.

after the last day of the immediately preceding Interim Period.<sup>4</sup> Additionally, counsel shall submit a detailed memorandum containing the following information:

- a. the number of Interim Vouchers submitted;
- b. the dates covered by each Interim Voucher;
- c. the total amount claimed on each Interim Voucher;
- d. the total amount per Interim Voucher approved by the Court for payment.

#### **4. Expenses**

Counsel will be reimbursed for out-of-pocket expense reasonably incurred incident to the representation in accordance with the applicable instructions, rules, and procedures. Counsel's attention is directed to the provisions of the Guide, which require that certain expenses be adequately documented. In particular, counsel is advised that a copy of a paid receipt or canceled check is required for any expense over fifty dollars (\$50.00) and for unusual expenses such as overnight delivery and courier service. Travel by personal automobile is reimbursable at the rate of \$0.31 per mile.

#### **5. Record Keeping and Billing Summary**

Each attorney, paralegal, and intern shall maintain contemporaneous time records for all work performed and shall maintain contemporaneous records of all expenses incurred in this matter. These records must be retained for three years after approval of the Final Voucher. These records may be subject to audit.

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<sup>4</sup>A Final Voucher must be submitted to the District Court within 45 days after the conclusion of the proceedings before the District Court even if counsel continues in the representation on appeal. Again, the Court notes that if work is claimed for more than one stage of the proceedings from the time of the last interim voucher to the Final Voucher, counsel may be required to submit more than one Final Voucher.

To support the amounts claimed on an Interim or Final Voucher, counsel shall submit a billing summary detailing both the time expended on and the expenses incurred in connection with the representation. Time entries on the billing summary shall indicate the nature of services rendered (e.g., telephone conference with client re: status of case, research re: search of automobile incident to stop for speeding). Each operation should be separately described and recorded. Counsel should not lump several different operations together in a single time entry. The billing summary shall be incorporated into and become part of the Interim or Final Voucher.

#### **6. Miscellaneous**

Counsel shall complete the Interim and Final Vouchers in accordance with the CJA, the Guide, the Instructions, and this Order. An interim Voucher should be clearly labeled "Interim Voucher" and the Final Voucher should be clearly labeled "Final Voucher."

Compensation for investigative, expert, and other services should be claimed directly by the service provider on CJA Form 31, "Death Penalty Proceedings: Ex Parte Request for Authorization and Voucher for Expert and Other Services." The CJA Form 31 is available on the district court's website located at [www.moed.uscourts.gov](http://www.moed.uscourts.gov).

If counsel desires additional clarification concerning payments under the CJA, counsel should address inquiries to the Clerk of Court.

Accordingly,

**IT IS HEREBY ORDERED** that the ex parte motion to authorize interim fees and expenses of plaintiff's counsel is **GRANTED** as set forth in this memorandum and order. [Doc. 5]

**IT IS FURTHER ORDERED** that the Clerk of Court shall provide counsel with a copy of the Instructions for Completing the CJA Form 30: Appointment and Authority to Pay Court Appointed Counsel and Instructions for Completing the CJA Form 31: Death Penalty Proceedings:

Ex Parte Request for Authorization and Voucher for Experts and Other Services, which accompany this memorandum and order.



**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 7th day of September, 2005.